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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,211	03/29/2004	Takuro Eika	082418-000500US	5134

20350 7590 07/09/2008

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EXAMINER	
PINHEIRO, JASON PAUL	
ART UNIT	**PAPER NUMBER**
3714	

NOTIFICATION DATE	DELIVERY MODE
07/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@Townsend.com

Office Action Summary	Application No.	Applicant(s)	
	10/813,211	EIKA, TAKURO	
	Examiner	Art Unit	
	JASON PINHEIRO	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-9 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. After the amendment filed on 04/01/2008, Claims 1, 3, 9 and 11 were amended. Claim 10 was canceled. As a result claims 1-4, 6-9 and 11 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 and 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serizawa (EP 0872266 A1) in view of Yoshida (EP 1029569 A2).

Regarding claims 1-2, 4 and 9-11: Serizawa discloses a game apparatus for moving a moving object on a road in a virtual world, wherein line segments extend between the edges of the road and each of the line segments is divided into line segment regions, and for each neighboring pair of the line segments, the end points of the regions of the first line segment of the pair and the end points of the regions of the first line segment of the pair and the end points of the regions of the second line segment of the pair are connected sequentially from both the edges of the pair and the quadrilateral areas or triangular areas are formed (Fig. 19), said game apparatus comprising: an input reception unit which receives an operational input from a player (Col. 12, Lines 33-43); a storage unit which stores a position and a velocity of the moving object (Col. 12, Lines 16-57), Although

Serizawa does not specifically disclose storing passage numbers or updating the passage numbers, each of which represents a number of times the moving object passed through each of the regions, it would have been obvious to use the notoriously well known method in the art of recording lap counts, to yield the predictable result of recoding the count of times the vehicle passed through a particular region similar to the way lap counters record the number of times a vehicle passes through the course. Serizawa further discloses an update unit, which updates the stored position and the stored velocity of the moving object in accordance with the calculated influence (as the player manipulates the input device the vehicle's position and velocity are updated) (Col. 12, Lines 44-57). Serizawa further discloses a display unit (Col. 15, Lines 11-12), wherein said display unit displays at least one of the stored position (Col. 18, Lines 20-24) and velocity of the moving object (Col. 19, Line 38-40). However, Serizawa does not disclose a calculation unit which estimates a passage number representing a number of times the moving object passed at the stored position of the moving object from the stored passage numbers, and calculates an influence on the moving object based on the received operational input from the player, the stored position of the moving object, and the estimated passage number; or that the calculation unit calculates an acceleration of the moving object as the influence on the moving object; or that said storage unit further stores an objective route within the road; said update unit updates the objective route that was stored in

accordance with the passage number that was stored of the moving object; and a display unit displays objective route that was stored.

Yoshida discloses estimating the next block a vehicle will travel on based on the block the vehicle is currently on (paragraph [0015]) in order to determine the target acceleration based upon the players input, the current position and estimated future position, although Yoshida does not specifically disclose estimating a passage number, it would have been an obvious modification at the time of the invention to utilize the notoriously well known method of counting laps in a race as discussed above in order to estimate a passage number (i.e., if the vehicle were currently in a region which has been passed through 4 times, it would be obvious that the next region would have been passed through 3 times), one would have been motivated to make this modification in order to yield the predictable result of determining where a vehicle would end up based on it's current position, the players input and it's estimated position. Yoshida further discloses that the calculation unit calculates an acceleration of the moving object as the influence on the moving object (paragraph [0015] – paragraph [0017]). Yoshida further discloses that said storage unit further stores an objective route within the road (paragraph [0011]); said update unit updates the objective route that was stored in accordance with the passage number that was stored of the moving object (paragraph [0069]); and a display unit displays objective route that was stored (paragraph [0011]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Yoshida into the teachings of Serizawa in order to create a more enjoyable and user-friendly game for players to play (Yoshida, paragraph ([0007])).

Regarding claims 3 and 6-7: Serizawa further discloses said storage unit stores a reference frictional force at each position on the road (Col. 4, Lines 57-58 – Col. 5, Lines 1-3); and that conditions of the moving object are calculated by obtaining a frictional force given on the moving object utilizing the stored reference frictional force at the stored position of the moving object (Col. 26, Lines 43 – Col. 27, Lines 38). Serizawa further discloses that conditions of the moving object are calculated by obtaining a frictional force given on the moving object in accordance with the estimated passage number (i.e., as the laps in the race proceed the frictional force on the vehicle increase, which increases tire grip and thereby increases the acceleration of the vehicle) (Col. 26, Line 43 – Col. 27, Line 38). However Serizawa does not disclose that said calculation unit calculates the acceleration of the moving object.

Yoshida does disclose that said calculation unit calculates the acceleration of the moving object (paragraph [0015] – paragraph [0017]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to calculate the acceleration, as taught by Yoshida, as the condition of the moving object calculated by obtaining a frictional force as disclosed

by Serizawa, in order to yield the predictable result of creating a more real to life simulation game.

Response to Arguments

4. Applicant's arguments filed 04/01/2008 have been fully considered but they are not persuasive.

Regarding the Applicant's argument that neither Serizawa nor Yoshida disclose "passage numbers": As discussed above although Yoshida does not specifically disclose estimating a passage number, it would have been an obvious modification at the time of the invention to utilize the notoriously well known method of counting laps in a race as discussed above in order to estimate a passage number (i.e., if the vehicle were currently in a region which has been passed through 4 times, it would be obvious that the next region would have been passed through 3 times), one would have been motivated to make this modification in order to yield the predictable result of determining where a vehicle would end up based on it's current position, the players input and it's estimated position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON PINHEIRO whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/J. P./
Examiner, Art Unit 3714